

1       (2) Subject to sub. (3), if more than one act or omission comprises a  
2 single incident or event which is subject to a proceeding to impose a forfei-  
3 ture under this chapter, those acts or omissions shall be deemed to be a  
4 single violation and shall be subject to a single forfeiture.

5       (3) Notwithstanding subs. (1) and (2), each day of a violation of this  
6 chapter or any rule, order or requirement of the commission is a separate  
7 violation.

8       (4) If an act or omission subject to a proceeding to impose a forfeiture  
9 under this chapter involves a death or life-threatening personal injury or a  
10 continuing failure to comply with this chapter or with any commission rule,  
11 order or requirement after the commission has given written notice specifying  
12 the failure, the maximum forfeiture shall be treble the amount otherwise  
13 assessable.

14       (5) A judgment against a person on the merits in a proceeding to impose a  
15 forfeiture under this chapter bars any other proceeding against that person to  
16 impose a forfeiture for the same act or omission.

17       \*\*87b3588/1\*\*SECTION 403zpg. 196.67 (3) of the statutes is amended to  
18 read:

19       196.67 (3) Any person violating this section shall be fined not less than  
20 \$50 nor more than ~~\$300~~ \$5,000 for each offense.

21       \*\*87b3371/1\*\*SECTION 403zf. 196.675 (1) of the statutes is amended to  
22 read:

23       196.675 (1) No common carrier operating within this state and no public  
24 utility, except a municipal public utility, may retain or employ ~~a district~~  
25 ~~attorney or~~ an assistant district attorney, city attorney or assistant city  
26 attorney or any person holding a judicial office.

27       \*\*87b3371/1\*\*SECTION 403zt. 196.675 (2) of the statutes is amended to  
28 read:

1        196.675 (2) If any ~~district attorney or~~ assistant district attorney, city  
2 attorney or assistant city attorney or any person holding a judicial office  
3 violates this section, the attorney's or judge's office shall be deemed  
4 vacant.

5        ••87b3588/1••SECTION 403ztm. 196.68 of the statutes is amended to read:  
6        196.68 MUNICIPAL OFFICERS, MALFEASANCE. If any officer of a municipality  
7 which owns or operates a public utility does, causes or permits to be done any  
8 matter, act or thing prohibited or declared to be unlawful under this chapter  
9 or ch. 197 or omits, fails, neglects or refuses to perform any duty which is  
10 enjoined upon him or her and which relates directly or indirectly to the  
11 enforcement of this chapter and ch. 197, or if the officer omits, fails,  
12 neglects or refuses to obey any lawful requirement or order of the commission  
13 or any judgment or decree of a court upon its application, for every such  
14 violation, failure or refusal the officer shall forfeit not less than \$50 nor  
15 more than ~~\$500~~ \$5,000.

16        ••87b3588/1••SECTION 403zu. 196.69 of the statutes is amended to read:  
17        196.69 INTERFERENCE WITH COMMISSION'S EQUIPMENT. (1) If any person  
18 destroys, injures or interferes with any apparatus or appliance owned, in the  
19 charge of or operated by the commission or its agent, the person shall be  
20 fined not more than ~~\$100~~ \$5,000 or imprisoned for not more than 30 days or  
21 both.

22        (2) Any public utility permitting a violation of this section shall for-  
23 feit not more than ~~\$1,000~~ \$25,000 for each offense.

24        ••87b3588/1••SECTION 403zum. 196.745 (2) (a) of the statutes is amended  
25 to read:

26        196.745 (2) (a) Any person violating sub. (1), or any order or rule  
27 issued under sub. (1), shall forfeit an amount not exceeding ~~\$1,000~~ \$2,500.  
28 Each day of violation is a separate violation of sub. (1). No person may

1 forfeit an amount exceeding ~~\$200,000~~ \$500,000 for a single persisting viola-  
2 tion of sub. (1) or any order or any rule issued under sub. (1).

3 ••87-5236/5••SECTION 404. 196.857 of the statutes, as created by 1987  
4 Wisconsin Act 27, is repealed and recreated to read:

5 196.857 ASSESSMENT FOR STRAY VOLTAGE PROGRAM. (1) The commission shall  
6 establish and administer a program to provide to farmers on-site technical  
7 assistance related to stray voltage. In cooperation with the department of  
8 agriculture, trade and consumer protection, the commission shall investigate  
9 the causes of stray voltage on individual farms, recommend to farmers solu-  
10 tions to stray voltage problems and evaluate the effectiveness of on-site  
11 technical assistance. The commission shall assess annually all of the  
12 following amounts to public utilities which produce electricity and which have  
13 annual gross operating revenues related to electricity in excess of  
14 \$100,000,000 in proportion to their respective electric gross operating reve-  
15 nues during the last calendar year, derived from intrastate operations:

16 (a) The amount appropriated under s. 20.155 (1) (L), less any amount  
17 received under s. 20.155 (1) (Lb). The amounts received under this paragraph  
18 shall be credited to the appropriation made in s. 20.155 (1) (L).

19 (b) The amount appropriated under s. 20.115 (8) (j), less any fees  
20 received from farmers under s. 93.41. The amounts received under this para-  
21 graph shall be credited to the appropriation made in s. 20.115 (8) (j).

22 (2) A public utility shall pay the total amount that it is assessed under  
23 sub. (1) within 30 days after it receives a bill for that amount from the  
24 commission. The bill constitutes notice of the assessment and demand of  
25 payment.

26 (2m) If the commission, at the request of an electric cooperative organ-  
27 ized under ch. 185 or any public utility which is not assessed under sub.  
28 (1), conducts an investigation of the causes of stray voltage on any farm

1 receiving electrical service from that electric cooperative or public utility,  
2 that electric cooperative or public utility shall pay a reasonable fee, not  
3 exceeding \$500 per investigation, which the commission shall establish sepa-  
4 rately for each request. The amounts received under this subsection shall be  
5 credited to the appropriation made in s. 20.155 (1) (L).

6 (3) This section does not apply after August 31, 1991.

7 ••87b3504/1••SECTION 404c. 220.02 (2) (e) of the statutes is created to  
8 read:

9 220.02 (2) (e) The disposition of certain assets of a charitable trust,  
10 as defined in s. 701.107 (3), under ss. 701.107 to 701.109.

11 ••87b3433/1••SECTION 404e. 221.14 (7) of the statutes is created to read:

12 221.14 (7) Real estate conveyed by the bank to an entity engaged solely  
13 in holding property of the bank, to a bank holding company, as defined in 12  
14 USC 1841 (a), of which the bank is a subsidiary or to any other subsidiary of  
15 that bank holding company. Any liability of the entity holding property of  
16 the bank, bank holding company or subsidiary of the bank holding company to  
17 the bank that results from a conveyance under this subsection is not subject  
18 to the limitations under s. 221.29 (1) and (2).

19 ••87b3433/1••SECTION 404k. 221.29 (1) (a) of the statutes is amended to  
20 read:

21 221.29 (1) (a) The total liabilities of any person or partnership,  
22 including the liabilities of the several partners except special partners,  
23 computed individually as to each partner on the basis of his or her direct  
24 liability, or corporation, other than a municipal corporation, to any bank for  
25 money borrowed shall at no time exceed 20 ~~per-cent~~ % of the capital stock and  
26 surplus or 15 ~~per-cent~~ % of the capital and surplus of such bank with the  
27 exceptions stated in this subsection and s. 221.14 (7).

1       ••87b3433/1••SECTION 404L. 221.29 (2) (a) of the statutes is amended to  
2 read:

3       221.29 (2) (a) Except as otherwise provided in this subsection and s.  
4 221.14 (7), the total liabilities of any municipal corporation to any bank for  
5 money borrowed shall at no time exceed 25 ~~per-cent~~ % of the capital and sur-  
6 plus of such bank.

7       ••87b2760/1••SECTION 404p. 221.30 (title) of the statutes is amended to  
8 read:

9       221.30 (title) BANK PURCHASE OF ITS OWN STOCK.

10       ••87b2760/1••SECTION 404q. 221.30 (1) of the statutes is renumbered  
11 221.30 (1m) and amended to read:

12       221.30 (1m) ~~No~~ A bank ~~shall~~ may be the holder of or purchaser of any  
13 ~~portion more than 5%~~ of its capital stock, capital notes or debentures ~~unless~~  
14 ~~such~~ if the purchase shall be ~~is~~ necessary to prevent loss upon a debt previ-  
15 ously contracted in good faith. Stock, notes or debentures ~~so~~ purchased under  
16 this subsection shall in no case be held by the bank for a longer time than 6  
17 months if the stock, notes or debentures can be sold for the amount of the  
18 claim of the bank against the same, and it must be sold for the best price  
19 obtainable within one year, or it shall be canceled, and shall then amount to  
20 a reduction of the capital stock, capital notes or debentures; provided, that,  
21 if such reduction shall reduce the capital stock below the minimum required by  
22 law, such capital stock shall be again increased to the amount required by law  
23 as provided herein.

24       ••87b2760/1••SECTION 404r. 221.30 (1) of the statutes is created to read:

25       221.30 (1) A bank may be the holder of or purchaser of not more than 5%  
26 of its capital stock, capital notes or debentures, except as provided in sub.  
27 (1m).

1       ••87b3504/1••SECTION 404rc. 221.56 (1) of the statutes is amended to  
2 read:

3       221.56 (1) Any domestic corporation, investment trust, or other form of  
4 trust or any regional state bank holding company which shall own, hold or in  
5 any manner control a majority of the stock in a state bank or trust company,  
6 or a bank or bank holding company which through a transaction under s. 701.108  
7 acquires control of a majority of the stock in a state bank, shall be deemed  
8 to be engaged in the business of banking and shall be subject to the super-  
9 vision of the office of the commissioner of banking. It shall file reports of  
10 its financial condition when called for by the commissioner of banking, and  
11 the commissioner may order an examination of its condition and solvency when-  
12 ever in his or her opinion such examination is required, and the cost of such  
13 examination shall be paid by such corporation or association. Whenever in the  
14 opinion of the commissioner the condition of such corporation or association  
15 shall be such as to endanger the safety of the deposits in any bank or trust  
16 company which is owned or in any manner controlled by such corporation, or the  
17 operation of such corporation, association or trust shall be carried on in  
18 such manner as to endanger the safety of such bank or trust company or its  
19 depositors, the commissioner may order such corporation or trust to remedy  
20 such condition or policy within 90 days and if such order be is not complied  
21 with, the commissioner shall have power to fully direct the operation of such  
22 banks or trust companies until such order be is complied with, and may with-  
23 hold all dividends from such corporation or trust during the period in which  
24 the commissioner may exercise such authority.

25       ••87b3379/1••SECTION 404rg. 221.58 (5) of the statutes is renumbered  
26 221.58 (5) (a) and amended to read:

27       221.58 (5) (a) If Except as provided in par. (b), if a regional state  
28 bank holding company acquires an in-state bank holding company that owns one

1 or more in-state banks that have been chartered on or after May 9, 1986, and  
2 that have been in existence for less than 5 years, the regional state bank  
3 holding company shall divest itself of those in-state banks within 2 years  
4 after the date of acquisition of the in-state bank holding company by the  
5 regional state bank holding company.

6 ••87b3379/1••SECTION 404rh. 221.58 (5) (b) of the statutes is created to  
7 read:

8 221.58 (5) (b) Paragraph (a) does not apply with respect to an in-state  
9 bank which is chartered on or after May 9, 1986, and which is owned by an in-  
10 state bank holding company that is acquired by a regional state bank holding  
11 company if the in-state bank is the surviving bank of a merger with an in-  
12 state bank chartered before May 9, 1986.

13  
14 ••87b3371/1••SECTION 404rt. 227.01 (1) of the statutes is amended to  
15 read:

16 227.01 (1) "Agency" means a board, commission, committee, department or  
17 officer in the state government, except the governor, a district attorney or a  
18 military or judicial officer.

19 ••87b3486/1••SECTION 404sm. 227.01 (13) (zd) of the statutes, as created  
20 by Wisconsin Act 27, is amended to read:

21 227.01 (13) (zd) Establishes procedures for oil inspection fee collection  
22 and setting an additional oil inspection fee under ~~s. 144.4425 (2m)~~ ss.  
23 101.143 and 168.12 (1m).

24 ••87b2921/1••SECTION 404st. 227.01 (13) (zh) of the statutes is created  
25 to read:

26 227.01 (13) (zh) Establishes eligibility priorities under s. 160.58 for  
27 local groundwater management grants.

28 ••87-5339/3••SECTION 405. 227.10 (1) of the statutes is amended to read:

1       227.10 (1) Each agency shall promulgate as a rule each statement of gen-  
2       eral policy and each interpretation of a statute which it specifically adopts  
3       to govern its enforcement or administration of that statute. A statement of  
4       policy or an interpretation of a statute made in the decision of a contested  
5       case, in a private letter ruling under s. 73.035 or in an agency decision upon  
6       or disposition of a particular matter as applied to a specific set of facts  
7       does not render it a rule or constitute specific adoption of a rule and is not  
8       required to be promulgated as a rule.

9       ••87b3336/1••SECTION 405m. 227.53 (1) (c) of the statutes is amended to  
10      read:

11      227.53 (1) (c) ~~Copies~~ A copy of the petition shall be served, personally  
12      or by certified mail, or, when service is timely admitted in writing, by first  
13      class mail, not later than 30 days after the institution of the proceeding,  
14      upon ~~all parties~~ each party who appeared before the agency in the proceeding  
15      in which the ~~order~~ decision sought to be reviewed was made or upon the party's  
16      attorney of record. A court may not dismiss the proceeding for review solely  
17      because of a failure to serve a copy of the petition upon a party or the  
18      party's attorney of record unless the petitioner fails to serve a person  
19      listed as a party for purposes of review in the agency's decision under s.  
20      227.47 or the person's attorney of record.

21      ••87-5296/3••SECTION 406. 230.08 (2) (p) of the statutes is repealed and  
22      recreated to read:

23      230.08 (2) (p) All employees of the investment board, except blue collar  
24      and clerical employees.

25      ••87b2926/1••SECTION 406g. 230.08 (2) (q) of the statutes, as affected by  
26      1987 Wisconsin Act 27, is amended to read:

27      230.08 (2) (q) ~~The state public defender and staff attorney positions in~~  
28      ~~the office of the state public defender.~~



1       ••87b3371/1••SECTION 406h. 230.08 (2) (sg) of the statutes is created to  
2 read:

3       230.08 (2) (sg) Deputy district attorney and assistant district attorney  
4 positions in the office of district attorney.

5       ••87b3371/1••SECTION 406r. 230.08 (2) (sm) of the statutes is created to  
6 read:

7       230.08 (2) (sm) The executive secretary and support staff of the prose-  
8 cutors council.

9       ••87b3439/4••SECTION 406t. 230.08 (2) (ym) of the statutes is created to  
10 read:

11       230.08 (2) (ym) The director of the office of health care information,  
12 created under s. 15.194 (1).

13       ••87b3371/1••SECTION 407m. 230.10 (2) of the statutes is amended to read:

14       230.10 (2) The compensation plan in effect at the time that a repre-  
15 sentative is recognized or certified to represent employees in a collective  
16 bargaining unit and the employee salary and benefit provisions under s. 230.12  
17 (3) (e) in effect at the time that a representative is certified to represent  
18 employees in a collective bargaining unit under subch. V of ch. 111 constitute  
19 the compensation plan or employee salary and benefit provisions for employees in  
20 the collective bargaining unit until a collective bargaining agreement becomes  
21 effective for that unit. If a collective bargaining agreement under subch. V  
22 of ch. 111 expires prior to the effective date of a subsequent agreement, and  
23 a representative continues to be recognized or certified to represent employees  
24 specified in s. 111.81 (7) (a) or certified to represent employees specified in  
25 s. 111.81 (7) (b) or (c) in that collective bargaining unit, the wage rates of  
26 the employees in such a unit shall be frozen until a subsequent agreement  
27 becomes effective, and the compensation plan under s. 230.12 and salary and

1 benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in  
2 the unit.

3 ••87-5296/3••SECTION 408. 230.12 (1) (a) 1. b of the statutes, as  
4 affected by 1987 Wisconsin Act 33, is amended to read:

5 230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified  
6 positions except positions for employees of the university of Wisconsin system  
7 which are not identified under s. 20.923 (4) or (8), for employees of the  
8 legislature which are not identified under s. 20.923 (4), for employees of a  
9 service agency under subch. IV of ch. 13, for employees of the state court  
10 system, for employees of the investment board identified under s. 230.08 (2)  
11 (p) and for one stenographer employed by each elective executive officer under  
12 s. 230.08 (2) (g).

13 ••87-5296/3••SECTION 409. 230.12 (10) (c) of the statutes, as affected by  
14 1987 Wisconsin Act 83, is amended to read:

15 230.12 (10) (c) Exceptions. This subsection does not apply to any person  
16 employed by the office of the governor or lieutenant governor, by the univer-  
17 sity of Wisconsin system except in a position identified under s. 20.923 (4)  
18 or (8), by the legislature except in a position identified under s. 20.923  
19 (4), by a service agency under subch. IV of ch. 13, by the investment board in  
20 a position identified under s. 230.08 (2) (p), or by the courts, or to one  
21 stenographer employed by each elective executive officer under s. 230.08 (2)  
22 (g).

23 ••87-5423/3••SECTION 410. 230.16 (7) of the statutes is amended to read:

24 230.16 (7) A preference shall be given to any qualifying veteran who  
25 gains eligibility on any competitive employment register and who does not  
26 currently hold a permanent appointment or have mandatory restoration rights to  
27 a permanent appointment to any position. A preference means that if a veteran  
28 gains eligibility on any competitive employment register and does not cur-

1 rently hold a permanent appointment or have mandatory restoration rights to a  
2 permanent appointment to any position, 5 points shall be added to his or her  
3 grade. If a veteran has a disability which is directly traceable to war  
4 service, the veteran shall be accorded a total of 10 points. "Veteran" as  
5 used in this subsection means any person who served on active duty under  
6 honorable conditions in the U.S. armed forces who was entitled to receive  
7 either the armed forces expeditionary medal, established by executive order  
8 10977 on December 4, 1961, or the Vietnam service medal established by execu-  
9 tive order 11231 on July 8, 1965, or who served in Grenada ~~or~~ Lebanon or a  
10 Middle East crisis under s. 45.34 or any person who served for at least one  
11 day during a war period, as defined in s. 45.35 (5) (a) to (g) or under  
12 section 1 of executive order 10957 dated August 10, 1961. This subsection  
13 applies to the award of credit to veterans under ss. 62.13 (4) (d), 63.08 (1)  
14 (f), 63.37 and 66.19 (1).

15 ••87-5296/3••SECTION 411. 230.35 (1m) (a) (intro.) of the statutes is  
16 amended to read:

17 230.35 (1m) (a) (intro.) Employees appointed to career executive positions  
18 under the program established under s. 230.24 or positions designated in s.  
19 19.42 (10) (k) or 20.923 (4), (8) and (9) shall be entitled to annual leave of  
20 absence without loss of pay based upon accumulated continuous state service at  
21 the rate of:

22 ••87-5296/3••SECTION 412. 230.35 (2) of the statutes is amended to read:

23 230.35 (2) Leave of absence with pay owing to sickness and leave of  
24 absence without pay, other than annual leave, shall be regulated by rules of  
25 the secretary, except that unused sick leave shall accumulate from year to  
26 year. After July 1, 1973, employees appointed to career executive positions  
27 under the program established under s. 230.24 or positions designated in s.  
28 19.42 (10) (k) or 20.923 (4), (8) and (9) shall have any unused sick leave

1 credits restored if they are reemployed in a career executive position or in a  
2 position under s. 19.42 (10) (k) or 20.923 (4), (8) and (9), regardless of the  
3 duration of their absence. Restoration of unused sick leave credits if reem-  
4 ployment is to a position other than those specified above shall be in accor-  
5 dance with rules of the secretary.

6 ••87b3467/1••SECTION 413c. 230.45 (1) (k) of the statutes is created to  
7 read:

8 230.45 (1) (k) Promulgate rules under s. 230.86 (1) and (2).

9 ••87b3467/1••SECTION 413g. 230.85 (1) and (2) of the statutes are amended  
10 to read:

11 230.85 (1) An employe who believes that a supervisor or appointing  
12 authority has initiated or administered, or threatened to initiate or  
13 administer, a retaliatory action against that employe in violation of s.  
14 230.83 may file a written complaint with the commission, specifying the nature  
15 of the retaliatory action or threat thereof and requesting relief, within 60  
16 days after the retaliatory action allegedly occurred or was threatened or  
17 after the employe learned of the retaliatory action or threat thereof, which-  
18 ever occurs last. An employe may request that the complaint be assigned to an  
19 arbitrator under s. 230.86.

20 (2) The commission shall receive and investigate any complaint under sub.  
21 (1). The commission may refer the complaint to an arbitrator under s. 230.86.  
22 In the course of investigating or otherwise processing such a complaint, the  
23 commission may require that an interview with any employe described in s.  
24 230.80 (3), except a management or supervisory employe who is a party to or is  
25 immediately involved in the subject matter of the complaint, be conducted  
26 outside the presence of the appointing authority or any representative or  
27 agent thereof unless the employe voluntarily requests that presence. An  
28 appointing authority shall permit an employe to be interviewed without loss of

1 pay and to have an employe representative present at the interview. An  
2 appointing authority of an employe to be interviewed may require the commis-  
3 sion to give the appointing authority reasonable notice prior to the  
4 interview. If the commission finds probable cause to believe that a retali-  
5 atory action has occurred or was threatened, it may endeavor to remedy the  
6 problem through conference, conciliation or persuasion. If that endeavor is  
7 not successful, the commission shall issue and serve a written notice of  
8 hearing, specifying the nature of the retaliatory action which has occurred or  
9 was threatened, and requiring the person named, in this section called the  
10 "respondent", to answer the complaint at a hearing. The notice shall specify  
11 the place of hearing and a time of hearing not less than 30 days after service  
12 of the complaint upon the respondent nor less than 10 days after service of  
13 the notice of hearing. If, however, the commission determines that an emer-  
14 gency exists with respect to a complaint, the notice of hearing may specify a  
15 time of hearing within 30 days after service of the complaint upon the  
16 respondent, but not less than 10 days after service of the notice of hearing.  
17 The testimony at the hearing shall be recorded or taken down by a reporter  
18 appointed by the commission.

19 ••87b3467/1••SECTION 413n. 230.85 (6) (b) of the statutes is amended to  
20 read:

21 230.85 (6) (b) Paragraph (a) applies to a disciplinary action under s.  
22 230.80 (2) (a) which occurs or is threatened within 2 4 years, or to a disci-  
23 plinary action under s. 230.80 (2) (b), (c) or (d) which occurs or is threat-  
24 ened within ~~one-year~~ 4 years, after an employe discloses information under s.  
25 230.81 which merits further investigation or after the employe's appointing  
26 authority, agent of an appointing authority or supervisor learns of that  
27 disclosure, whichever is later.

28 ••87b3467/1••SECTION 413r. 230.86 of the statutes is created to read:

1       230.86 ARBITRATION. (1) The commission shall promulgate rules to  
2 establish an expedited procedure using arbitration in cases arising under this  
3 subchapter. The rules shall provide all of the following:

4       (a) Procedures under which an employee, or both parties jointly, may  
5 request arbitration as an alternative to a proceeding before the commission.

6       (b) Situations in which the commission may refer a case arising under  
7 this subchapter for arbitration.

8       (c) The procedure for choosing an arbitrator from a panel of arbitrators  
9 selected under sub. (2) to serve in a particular case.

10       (d) The procedure for status conferences held by arbitrators prior to a  
11 hearing, including all of the following:

12           1. Scheduling.

13           2. Amendment of pleadings.

14           3. Discovery.

15           4. Evidentiary issues.

16           5. Attempts at informal dispute resolution.

17       (e) The procedure to be followed by an arbitrator at a hearing in an  
18 action under this section, including all of the following:

19           1. Preservation of a record for review.

20           2. The form of the arbitrator's decision.

21       (f) The time periods during which a case must be scheduled for a status  
22 conference and hearing, and the situations under which the parties may waive  
23 the time period requirements.

24       (g) The time period during which an arbitrator shall render a decision  
25 after a hearing.

26       (h) The limits on the arbitrator's authority, if any, to act in the place  
27 of the commission under s. 230.85 (2) to (5).

1       (i) Allocation of the costs of arbitration under this section, including  
2 a per diem rate for the arbitrator, among the parties.

3       (j) Other procedures, or duties of an arbitrator, to implement arbitra-  
4 tion under this section.

5       (2) The commission shall promulgate rules to establish the procedure for  
6 the selection of individuals to compose a panel of arbitrators and to provide  
7 training for arbitrators.

8       (3) An arbitrator acting under this section is bound by ss. 230.80 to  
9 230.83 and 230.85 (6).

10       ••87b3467/1••SECTION 413w. 230.87 (1) of the statutes is amended to read:

11       230.87 (1) Findings and orders of an arbitrator under s. 230.86 or of the  
12 commission under this subchapter are subject to judicial review under ch. 227.  
13 Upon that review, or in any enforcement action, the department of justice  
14 shall represent the arbitrator or the commission unless a conflict of interest  
15 results from that representation. A court may order payment of a prevailing  
16 appellant employe's reasonable attorney fees by a governmental unit  
17 respondent, or by a governmental unit employing a respondent who is a natural  
18 person if that governmental unit received notice and an opportunity to appear  
19 before the court.

20       ••87-5185/2••SECTION 415. Chapter 233 (title) of the statutes is  
21 repealed.

22       ••87-5185/2••SECTION 416. 233.01 of the statutes is repealed.

23       ••87-5185/2••SECTION 417. 233.02 (intro.) of the statutes is repealed.

24       ••87-5185/2••SECTION 418. 233.02 (1) of the statutes is repealed.

25       ••87-5185/2••SECTION 419. 233.02 (2) of the statutes is renumbered 234.94  
26 (1).

27       ••87b2617/1••SECTION 420g. 233.02 (3) (intro.) and (a) of the statutes  
28 are renumbered 234.94 (2) (intro.) and (a).

1       ••87b2617/1••SECTION 420r. 233.02 (3) (b) and (c) of the statutes are  
2 repealed.

3       ••87-5185/2••SECTION 421. 233.02 (4) of the statutes is renumbered 234.94  
4 (3) and amended to read:

5       234.94 (3) "Community development finance company" means a corporation or  
6 a limited partnership organized for profit under s. ~~233.05~~ 234.95.

7       ••87-5185/2••SECTION 422. 233.02 (5) and (7) to (10) of the statutes are  
8 renumbered 234.94 (4) to (8).

9       ••87-5185/2••SECTION 423. 233.03 of the statutes is repealed.

10       ••87-5185/2••SECTION 424. 233.04 (title) of the statutes is repealed.

11       ••87-5185/2••SECTION 425. 233.04 (1) of the statutes is repealed.

12       ••87-5185/2••SECTION 426. 233.04 (2) (intro.) of the statutes is  
13 repealed.

14       ••87-5185/2••SECTION 427. 233.04 (2) (a) to (c) of the statutes are  
15 repealed.

16       ••87-5185/2••SECTION 428. 233.04 (2) (d) of the statutes is repealed.

17       ••87-5185/2••SECTION 429. 233.04 (2) (e) of the statutes, as affected by  
18 1987 Wisconsin Act 27, is repealed.

19       ••87-5185/2••SECTION 430. 233.05 of the statutes is renumbered 234.95 and  
20 amended to read:

21       234.95 COMMUNITY DEVELOPMENT FINANCE COMPANY. (1) ~~The authority shall~~  
22 ~~create a~~ community development finance company ~~as a~~ is the corporation organ-  
23 ized for profit under ch. 180, or ~~as a~~ limited partnership organized under ch.  
24 179, which was created under s. 233.05 (1), 1985 stats. The chairperson of  
25 the authority, or his or her designee, is a director of the community  
26 development finance company. The shareholders of the community development  
27 finance company shall elect 4 other people to the company's board of  
28 directors. To the extent practicable, 3 people elected to the board of



1 directors shall have substantial business and financial experience and one  
2 person shall represent a community development corporation. If the community  
3 development finance company is organized as a limited partnership its general  
4 partner shall, to the extent practicable, have substantial business and  
5 financial experience.

6 (2) The community development finance company shall issue stock or part-  
7 nership interests. The community development finance company shall invest  
8 funds it receives from the sale of stock or partnership interests by purchas-  
9 ing capital participation instruments under s. 233.06 234.96.

10 ••87-5185/2••SECTION 431. 233.06 of the statutes is renumbered 234.96.

11 ••87-5185/2••SECTION 432. 233.07 (title) of the statutes is repealed.

12 ••87-5185/2••SECTION 433. 233.07 (1) of the statutes is renumbered 560.03  
13 (20) and amended to read:

14 560.03 (20) ~~The authority shall provide~~ Provide technical assistance to  
15 community development corporations, as defined in s. 234.94 (2), and to per-  
16 sons who are forming community development corporations.

17 ••87-5185/2••SECTION 434. 233.07 (2) of the statutes is repealed.

18 ••87-5185/2••SECTION 435. 233.08 of the statutes is repealed.

19 ••87-5185/2••SECTION 436. 233.09 of the statutes, as created by 1987  
20 Wisconsin Act 27, is repealed.

21 ••87b3390/1••SECTION 437g. 234.02 (5) of the statutes is created to read:

22 234.02 (5) No cause of action of any nature may arise against and no  
23 civil liability may be imposed upon a member of the authority, or other offi-  
24 cer or employe of the authority appointed by the governor, for any act or  
25 omission in the performance of his or her powers and duties under this  
26 chapter, unless the person asserting liability proves that the act or omission  
27 constitutes wilful misconduct.

1       ••87b2702/2••SECTION 437m. 234.03 (28m) of the statutes is created to  
2 read:

3       234.03 (28m) To apply for and receive grants from the department of  
4 transportation for the purpose of guaranteeing loans to disadvantaged busi-  
5 nesses as specified in the disadvantaged business mobilization assistance  
6 program under s. 85.25.

7       ••87-5185/2••SECTION 438. 234.03 (31) of the statutes is created to read:

8       234.03 (31) To purchase, sell or contribute voting stock or partnership  
9 interests from the community development finance company under s. 234.95.

10       ••87-5185/2••SECTION 439. 234.03 (32) of the statutes is created to read:

11       234.03 (32) To accept gifts, contributions and grants made to the  
12 authority in connection with the community development finance company, as  
13 defined in s. 234.94 (3).

14       ••87-5185/2••SECTION 441. 234.94 (intro.) of the statutes is created to  
15 read:

16       234.94 COMMUNITY DEVELOPMENT FINANCE COMPANY. (intro.) In ss. 234.94 to  
17 234.98:

18       ••87b2617/1••SECTION 441m. 234.94 (2) (b) of the statutes is created to  
19 read:

20       234.94 (2) (b) A nonprofit corporation organized under ch. 181:

21       1. That is organized to operate within specific geographic boundaries;

22       2. That permits all adults residing in the area of operation to become  
23 members of the corporation and limits voting membership of persons not resid-  
24 ing in the area to not more than 10% of the total membership;

25       3. That has a board of directors, a majority of whom reside in a target  
26 area or are members of a target group;

27       4. That makes a demonstrable effort to hire low-income or underemployed  
28 residents of the operating area;

1       5. Whose purpose is to promote the employment of members of a target group  
2 through projects that meet the conditions specified in s. 234.96 (1) (a) to  
3 (d);

4       6. That demonstrates a commitment to involving residents of target areas  
5 or members of target groups in projects; and

6       7. That petitions the authority for designation as a community development  
7 corporation.

8       ••87-5185/2••SECTION 442. 234.97 of the statutes is created to read:

9       234.97 SALE OR PURCHASE OF STOCK OR INTEREST. Subject to s. 234.96 (1)  
10 (h), the authority shall do all of the following:

11       (1) Use any funds received from the sale of community development finance  
12 company stock or partnership interest to purchase additional stock or part-  
13 nership interests.

14       (2) Use funds received from contributions, gifts or grants under s.  
15 234.03 (32) to purchase community development finance company stock or part-  
16 nership interests or make grants or loans to community development  
17 corporations.

18       ••87b2617/1••SECTION 442b. 234.98 of the statutes is created to read:

19       234.98 TRANSFERRED ASSETS. The assets and liabilities transferred from  
20 the community development finance authority under 1987 Wisconsin Act ....  
21 (this act), section 3011 (2) (a) shall be separate from all other assets and  
22 liabilities of the Wisconsin housing and economic development authority. The  
23 outstanding obligations or liabilities of the community development finance  
24 authority shall be paid only from the assets transferred to the Wisconsin  
25 housing and economic development authority from the community development  
26 finance authority under 1987 Wisconsin Act .... (this act), section 3011 (2)  
27 (a).

28       ••87b2883/1••SECTION 442m. 236.02 (4) of the statutes is amended to read:

1       236.02 (4) "Department" means the department of ~~development~~ agriculture,  
2 trade and consumer protection.

3       ••87b3507/1••SECTION 442p. 340.01 (18) of the statutes is renumbered  
4 340.01 (18) (a) (intro.) and amended to read:

5       340.01 (18) (a) (intro.) "Farm truck" means a either of the following:

6       1. A motor truck having a gross weight of less than 38,000 pounds that is  
7 owned or leased and operated by a farmer and used primarily for the trans-  
8 portation of supplies, farm equipment and products on the owner's farm or  
9 between his or her farms, the transportation of farm products from the owner's  
10 farm to market, and the transportation of supplies to his or her farm. As  
11 used in this subsection, the term "farmer" includes persons who are engaged in  
12 these activities specified in the definition of "operation of farm premises"  
13 contained in s. 102.04 (3), provided that such activities are directly or  
14 indirectly for the purpose of producing a commodity or commodities for market,  
15 or as an accessory to such production. As used in this subsection "leased"  
16 means that the farmer has entered into a written agreement with a person in  
17 the business of leasing vehicles to lease the motor truck for a period of one  
18 year or more.

19       ••87b3507/1••SECTION 442pm. 340.01 (18) (a) 2 of the statutes is created  
20 to read:

21       340.01 (18) (a) 2. A motor truck having a gross weight of 38,000 pounds  
22 or more that is owned or leased and operated by a farmer and used exclusively  
23 for the transportation of supplies, farm equipment and products on the owner's  
24 farm or between his or her farms, the transportation of farm products from the  
25 owner's farm to market, and the transportation of supplies to his or her farm.

26       ••87b3507/1••SECTION 442pr. 340.01 (18) (b) of the statutes is created to  
27 read:

1       340.01 (18) (b) In this subsection, the term "farmer" includes persons  
2 who are engaged in those activities specified in the definition of "operation  
3 of farm premises" contained in s. 102.04 (3), provided that such activities  
4 are directly or indirectly for the purpose of producing a commodity or  
5 commodities for market, or as an accessory to such production. In this  
6 subsection, "leased" means that the farmer has entered into a written agree-  
7 ment with a person in the business of leasing vehicles to lease the motor  
8 truck for a period of one year or more.

9       ••87b3507/1••SECTION 442pt. 340.01 (18g) of the statutes is created to  
10 read:

11       340.01 (18g) "Farm truck tractor" means a truck tractor that is owned or  
12 leased and operated by a farmer as defined in sub. (18), used exclusively for  
13 the transportation of supplies, farm equipment and products on the owner's  
14 farm or between his or her farms, the transportation of farm products from the  
15 owner's farm to market and the transportation of supplies to his or her farm  
16 and is exempt from payment of the heavy vehicle use tax imposed by section  
17 4481 of the internal revenue code. In this subsection, "leased" means that  
18 the farmer has entered into a written agreement with a person in the business  
19 of leasing vehicles to lease the truck tractor for a period of one year or  
20 more.

21       ••87b3501/1••SECTION 442pu. 340.01 (35) of the statutes is amended to  
22 read:

23       340.01 (35) "Motor vehicle" means a vehicle which is self-propelled,  
24 except that a snowmobile and an all-terrain vehicle shall only be considered a  
25 motor ~~vehiele~~ vehicles for purposes made specifically applicable by statute.

26       ••87b3507/1••SECTION 442pv. 341.045 of the statutes is amended to read:

27       341.045 USE OF REGISTERED FARM TRUCKS REGULATED. A motor truck under s.  
28 340.01 (18) (a) 1 registered as a farm truck under s. 341.26 (3) (a) may be

1 used for personal and family purposes if the primary use of that motor truck  
2 is for purposes specified in s. 340.01 (18) (a) 1, except that a registered  
3 farm truck may not be used in furtherance of any nonfarm occupation, trade,  
4 profession or other employment, including commuting to or from the place of  
5 such nonfarm occupation, trade, profession or employment. A motor truck under  
6 s. 340.01 (18) (a) 2 may not be used for personal and family purposes. This  
7 section does not apply to dual purpose farm trucks registered under s. 341.26  
8 (3) (am). Any violations of this section are subject to the penalty pre-  
9 scribed for violations of s. 341.04 (2).

10 ••87-5423/3••SECTION 443. 341.14 (6) (a) of the statutes, as affected by  
11 1987 Wisconsin Act 64, is amended to read:

12 341.14 (6) (a) Upon application to register an automobile or station  
13 wagon or a motor truck or dual purpose farm truck which has a gross weight of  
14 not more than 8,000 pounds by any person who was a member of any of the U.S.  
15 armed services and who was held as a prisoner of war during any of the con-  
16 flicts described in s. 45.35 (5) (b) to (g) or in Grenada or, Lebanon or a  
17 Middle East crisis under s. 45.34, and upon submission of a statement from the  
18 U.S. veterans administration certifying that the person was a prisoner of war  
19 during one of the conflicts described in s. 45.35 (5) (b) to (g) or in Grenada  
20 or, Lebanon or a Middle East crisis under s. 45.34, the department shall issue  
21 to the person a special plate which is colored red, white and blue and which  
22 has the words "ex-prisoner of war" placed on the plate in the manner desig-  
23 nated by the department.

24 ••87b3507/1••SECTION 443ac. 341.26 (3) (ar) of the statutes is created to  
25 read:

26 341.26 (3) (ar) For each farm truck tractor, a fee which is 25% of the  
27 fee under s. 341.25 (2) for a truck tractor having the same gross weight,  
28 determined on the basis of the maximum combined gross weight of the farm truck

1 tractor and any trailer or semitrailer which the applicant proposes to combine  
2 with the farm truck tractor. Maximum combined gross weight shall be deter-  
3 mined by adding together the weight in pounds of the combination of vehicles  
4 when equipped to carry a load and the maximum load in pounds which the appli-  
5 cant proposes to carry on the combination of vehicles.

6 ••87b3507/1••SECTION 443ae. 341.26 (3) (b) of the statutes is amended to  
7 read:

8 341.26 (3) (b) For each farm trailer, a fee which is one-fourth of the  
9 fee prescribed by s. 341.25 (2) for a motor truck having the same gross  
10 weight, except that a farm trailer used with a farm truck tractor shall be  
11 registered at a fee of \$5.

12 ••87b3502/1••SECTION 443ag. 343.17 (1) (a) of the statutes is amended to  
13 read:

14 343.17 (1) (a) The department shall issue to every applicant qualifying  
15 and who has paid the required fee a license as applied for. The license shall  
16 be in one-part and consist of 2 sides. The front side shall bear a distin-  
17 guishing number assigned to the licensee, the date of expiration of the  
18 license, the full name, date of birth and residence address and a brief  
19 description of the licensee, a space for the sticker under sub. (3) (a) and  
20 either a facsimile of the licensee's signature or a space upon which the  
21 licensee shall write his or her usual signature with pen and ink immediately  
22 upon receipt of the license. No license is valid until it has been so signed,  
23 unless the facsimile signature of the licensee appears on the license. The  
24 brief description of the licensee may not include any mention of race.

25 ••87b3501/1••SECTION 443ai. 343.305 (5) (b) of the statutes, as affected  
26 by 1987 Wisconsin Acts 3 and 27, is amended to read:

27 343.305 (5) (b) Blood may be withdrawn from the person arrested for  
28 violation of s. 346.63 (1), (2) or (2m), ~~350.10 (3)~~ or 940.25, or s. 940.09

1 where the offense involved the use of a vehicle, or a local ordinance in  
2 conformity with s. 346.63 (1) or (2m) ~~or 350.10 (3)~~, or as provided in sub.  
3 (3) (b) to determine the presence or quantity of alcohol, a controlled  
4 substance, a combination of alcohol and a controlled substance, any other drug  
5 or a combination of alcohol and any other drug in the blood only by a  
6 physician, registered nurse, medical technologist, physician's assistant or  
7 person acting under the direction of a physician.

8     \*\*87b3501/1\*\*SECTION 443an. 343.305 (6) (a) of the statutes, as affected  
9 by 1987 Wisconsin Act 3, is amended to read:

10     343.305 (6) (a) Blood may be withdrawn from the person arrested for  
11 violation of s. 346.63 (1), (2) or (2m), ~~350.10 (3)~~ or 940.25, or s. 940.09  
12 where the offense involved the use of a vehicle, or a local ordinance in  
13 conformity with s. 346.63 (1) or (2m) ~~or 350.10 (3)~~, or as provided in sub.  
14 (2) (c) to determine the presence or quantity of alcohol or controlled sub-  
15 stance or a combination of alcohol and a controlled substance in the blood  
16 only by a physician, registered nurse, medical technologist, physician's  
17 assistant or person acting under the direction of a physician.

18     \*\*87b2432/1\*\*SECTION 443b. 343.305 (8) (e) of the statutes is created to  
19 read:

20     343.305 (8) (e) If the operating privilege of a person licensed as a  
21 chauffeur is administratively suspended under this subsection and the person  
22 was not driving or operating a vehicle as a chauffeur at the time of  
23 violation, his or her chauffeur's license shall not be administratively sus-  
24 pended under this subsection.

25     \*\*87b3674/1\*\*SECTION 443bbg. 343.31 (1) (a) of the statutes is amended to  
26 read:



1       343.31 (1) (a) Homicide or great bodily harm resulting from the operation  
2 of a motor vehicle and which is criminal under s. 346.62 (4), 940.06, ~~940.08,~~  
3 940.09, ~~940.245~~ 940.10 or 940.25.

4       ••87b3435/1••SECTION 443bc. 343.32 (2) (bg) of the statutes is created to  
5 read:

6       343.32 (2) (bg) The scale adopted by the secretary may not assess any  
7 demerit points for a first violation of s. 344.10 (1) (a) committed within a  
8 12-month period but shall assess one demerit point for each subsequent viola-  
9 tion of s. 344.10 (1) (a) committed within a 12-month period.

10       ••87b3739/2••SECTION 443bcg. 343.32 (2) (bt) of the statutes, as affected  
11 by 1987 Wisconsin Act 132, is amended to read:

12       343.32 (2) (bt) The scale adopted by the secretary may not assess any  
13 demerit points for a violation of s. 347.48 (2m) (b), (c) or (d) or (4) (a).  
14 This paragraph does not apply after ~~June 30~~ February 1, 1989; or the first day  
15 of the first month commencing after the secretary of transportation certifies  
16 to the governor and the revisor of statutes that state mandatory safety belt  
17 usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted  
18 which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to  
19 not less than two-thirds of the population of the United States, based on the  
20 1980 federal census of population; whichever is earlier.

21       ••87b3739/2••SECTION 443bcr. 343.32 (2) (bu) of the statutes, as created  
22 by 1987 Wisconsin Act 132, is amended to read:

23       343.32 (2) (bu) The scale adopted by the secretary may not assess any  
24 demerit points for a violation of s. 347.48 (4) (a). This paragraph applies  
25 after ~~June 30~~ February 1, 1989; or the first day of the first month commencing  
26 after the secretary of transportation certifies to the governor and the revi-  
27 sor of statutes that state mandatory safety belt usage laws meeting the cri-  
28 teria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the

1 inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds  
2 of the population of the United States, based on the 1980 federal census of  
3 population; whichever is earlier.

4 ••87b3435/1••SECTION 443c. 344.10 of the statutes is created to read:

5 344.10 COMPULSORY FINANCIAL RESPONSIBILITY; LIMITS AND PENALTIES. (1)

6 (a) No person may operate a motor vehicle registered under ch. 341 or  
7 required to be registered under ch. 341 unless the owner or operator has in  
8 effect a motor vehicle liability policy or bond for the motor vehicle, which  
9 meets the requirements under s. 344.15, insuring against loss resulting from  
10 liability imposed by law for bodily injury, death and property damage sus-  
11 tained by any person arising out of the ownership, maintenance, operation or  
12 use of the motor vehicle.

13 (am) 1. No person charged with violating par. (a) may be convicted if he  
14 or she produces proof that he or she was in compliance with par. (a) or that  
15 the requirements of par. (a) did not apply to him or her at the time of the  
16 arrest. Such proof may be produced either at the time of the person's  
17 appearance in court in response to the uniform traffic citation, or in the  
18 office of the arresting officer within 30 days after the date of issuance of  
19 the uniform traffic citation.

20 2. Proof of compliance with par. (a) may be evidenced by display of the  
21 motor vehicle policy or bond in effect for the motor vehicle under s. 344.15,  
22 a copy of that policy or bond or an identification card issued to the person  
23 by the insurer indicating that the policy or bond is in effect or by display  
24 of a certificate of insurance under s. 344.31 or a copy of that certificate.

25 3. The department shall promulgate a rule specifying the form of proof  
26 which may be displayed by a person under par. (b) to show that the require-  
27 ments under par. (a) do not apply to him or her.

28 (b) Paragraph (a) does not apply to:

1       1. Any person operating a vehicle owned by a self-insurer under s. 344.16  
2 if operating with the owner's permission.

3       2. Any person operating a vehicle insured as required by s. 121.53,  
4 194.41 or 194.42 if operating with the owner's permission.

5       3. Any person who has on deposit money or security as proof of financial  
6 responsibility as provided under sub. (2) or to any person operating a vehicle  
7 owned by the person who has deposited money or security if operating with the  
8 owner's permission.

9       4. The operator of a vehicle owned by or leased to the United States,  
10 this state or any county or municipality of this state if operating with the  
11 owner's or lessee's permission.

12       (2) (a) Proof of financial responsibility may be evidenced by a deposit  
13 with the secretary by a person of \$60,000 in cash, or in securities which may  
14 legally be purchased by savings banks or for trust funds of a market value of  
15 \$60,000. The secretary shall not accept a deposit under this subsection  
16 unless the deposit is accompanied by evidence that there are no unsatisfied  
17 judgments of any character against the depositor in the county where the  
18 depositor resides.

19       (b) Deposits made under this subsection shall be held by the secretary to  
20 satisfy, in accordance with this chapter, any execution on a judgment issued  
21 against the person making the deposit, for damages resulting from the  
22 ownership, maintenance, use or operation of a motor vehicle after the deposit  
23 was made, including damages for care and for loss of services because of  
24 bodily injury to or death of any person and damages because of injury to or  
25 destruction of property and the consequent loss of use thereof. Money or  
26 securities so deposited are not subject to attachment or execution unless the  
27 attachment or execution arises out of a suit for damages as set forth in this  
28 paragraph.

1 (2m) Notwithstanding s. 349.02, a traffic officer may not stop a vehicle  
2 solely to determine compliance with sub. (1) (a). This subsection does not  
3 limit the authority of a traffic officer to issue a citation for a violation  
4 of sub. (1) (a) observed in the course of a stop made for other purposes.

5 (3) The department shall include with each operator's license issued  
6 under ch. 343 notification of the requirements and penalties under this  
7 section and s. 343.32 (2) (bg).

8 (4) Any person who violates sub. (1) (a) may be required to forfeit not  
9 less than \$30 nor more than \$300.

10 ••87b3435/1••SECTION 443cb. 344.14 (3) of the statutes is amended to  
11 read:

12 344.14 (3) A suspension for failing to deposit security under sub. (1)  
13 shall suspend only the operator's license and operating privileges thereunder  
14 and shall not suspend a person's chauffeur's license or his or her operating  
15 privilege thereunder ~~when operating a vehicle subject to the requirements of~~  
16 ~~s. 194.41 or 194.42 or a vehicle owned by or leased to the United States, this~~  
17 ~~state or any county or municipality of this state.~~

18 ••87b3435/1••SECTION 443ce. 344.15 (1) of the statutes is amended to  
19 read:

20 344.15 (1) No policy or bond is effective under s. 344.10 or 344.14  
21 unless issued by an insurer authorized to do ~~an automobile~~ a motor vehicle  
22 liability or surety business in this state, except as provided in sub. (2), or  
23 unless the policy or bond is subject, if the accident has resulted in bodily  
24 injury or death, to a limit, exclusive of interest and costs, of not less than  
25 \$25,000 because of bodily injury to or death of one person in any one accident  
26 and, subject to that limit for one person, to a limit of not less than \$50,000  
27 because of bodily injury to or death of 2 or more persons in any one accident  
28 and, if the accident has resulted in injury to or destruction of property, to

1 a limit of not less than \$10,000 because of injury to or destruction of prop-  
2 erty of others in any one accident.

3 ••87b3435/1••SECTION 443cg. 344.15 (2) (intro.) of the statutes is  
4 amended to read:

5 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was  
6 not registered in this state or was registered elsewhere at the time of the  
7 effective date of the policy or bond or the most recent renewal thereof may be  
8 effective under s. 344.10 or 344.14 even though not issued by an insurer  
9 authorized to do ~~an automobile~~ a motor vehicle liability or surety business in  
10 this state if the following conditions are complied with:

11 ••87b3435/1••SECTION 443cj. 344.18 (1) (intro.) of the statutes, as  
12 affected by 1987 Wisconsin Act 3, is amended to read:

13 344.18 (1) (intro.) Any operating privilege ~~or registration~~ suspended as  
14 provided in s. 344.14 shall remain suspended and ~~shall~~ may not be renewed or  
15 reinstated until the fee required under s. 343.21 (1) (j) has been paid ~~and~~  
16 one of the following requirements under pars. (a) to (d) has been met and the  
17 requirements of sub. (1m) are satisfied. Any registration suspended as pro-  
18 vided in s. 344.14 shall remain suspended and may not be renewed or reinstated  
19 until one of the following requirements has been met:

20 ••87b3435/1••SECTION 443cm. 344.18 (1m) of the statutes is created to  
21 read:

22 344.18 (1m) Unless 3 years have elapsed since the date that a requirement  
23 under sub. (1) (a), (b), (c) or (d) has been met, the person whose operating  
24 privilege was suspended shall file with the department proof of financial  
25 responsibility in the amount, form and manner specified in this chapter. The  
26 person shall maintain the proof of financial responsibility at all times for 3  
27 years following reinstatement or renewal of the license while the license is  
28 in effect.

1       ••87b3435/1••SECTION 443co. 344.24 of the statutes is amended to read:  
2       344.24 APPLICABILITY OF SECTIONS RELATING TO PROOF OF FINANCIAL RESPON-  
3       SIBILITY FOR THE FUTURE. Sections 344.29 to 344.41 are applicable in all  
4       cases in which a person is required to deposit proof of financial responsi-  
5       bility for the future, including those cases in which a person is required to  
6       deposit proof of financial responsibility for the future under ss. 344.25 to  
7       344.27, those cases in which the deposit of proof of financial responsibility  
8       for the future is a condition precedent to reinstatement of an operating  
9       privilege suspended under s. 344.14 and those cases in which the deposit of  
10      proof of financial responsibility for the future is a condition precedent to  
11      reinstatement of an operating privilege revoked ~~pursuant to~~ under ch. 343.

12      ••87b3435/1••SECTION 443cq. 344.29 of the statutes is amended to read:  
13      344.29 PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE REQUIRED. Proof  
14      of financial responsibility for the future shall be furnished by any person  
15      required to give such proof under ss. 344.25 to 344.27, in those cases in  
16      which the deposit of proof of financial responsibility for the future is a  
17      condition precedent to reinstatement of an operating privilege suspended under  
18      s. 344.14 and in those cases in which the deposit of proof of financial  
19      responsibility for the future is a condition precedent to reinstatement of an  
20      operating privilege revoked under ch. 343.

21      ••87b3435/1••SECTION 443cr. 344.33 (1) of the statutes is amended to  
22      read:

23      344.33 (1) CERTIFICATION. In ~~this chapter~~ ss. 344.30 to 344.34, "motor  
24      vehicle liability policy" means a motor vehicle policy of liability insurance,  
25      certified as provided in s. 344.31 or 344.32 as proof of financial responsi-  
26      bility for the future, and issued, except as otherwise provided in s. 344.32,  
27      by an insurer authorized to do ~~an automobile~~ a motor vehicle liability busi-

1   ness in this state to or for the benefit of the person named in the policy as  
2   the insured.

3       ••87b3435/1••SECTION 443cs. 344.35 of the statutes is amended to read:

4       344.35 (title) SECTION 344.33 NOT TO AFFECT OTHER POLICIES. (1) ~~This~~  
5 ~~chapter~~ Section 344.33 does not apply to or affect policies of ~~automobile~~  
6 motor vehicle insurance against liability which may now or hereafter be  
7 required by any other law of this state. If such policies contain an agree-  
8 ment or are endorsed to conform to the requirements of ~~this chapter s. 344.33,~~  
9 they may be certified as proof of financial responsibility under this chapter.  
10       (2) ~~This chapter~~ Section 344.33 does not apply to or affect policies  
11 insuring solely the insured named in the policy against liability resulting  
12 from the maintenance or use by persons in the insured's employ or on his or  
13 her behalf of motor vehicles not owned by the insured.

14       ••87b3435/1••SECTION 443ct. 344.37 (1) of the statutes is amended to  
15 read:

16       344.37 (1) Proof of financial responsibility for the future may be evi-  
17 denced by a deposit with the secretary by the person of ~~\$35,000~~ \$60,000 in  
18 cash, or in securities such as may legally be purchased by savings banks or  
19 for trust funds of a market value of ~~\$35,000~~ \$60,000. The secretary shall not  
20 accept any such deposit unless accompanied by evidence that there are no  
21 unsatisfied judgments of any character against the depositor in the county  
22 where the depositor resides.

23       ••87b2477/2••SECTION 443d. 345.225 of the statutes, as created by 1987  
24 Wisconsin Act 132, is repealed.

25       ••87b2697/1••SECTION 443g. 345.26 (1) (b) 1 of the statutes, as affected  
26 by 1987 Wisconsin Act 27, is amended to read:

27       345.26 (1) (b) 1. If the person fails to appear in court at the time  
28 fixed in the citation, the person will be deemed to have tendered a plea of no

1 contest and submitted to a forfeiture and a penalty assessment, if required by  
2 s. 165.87, and a jail assessment, if required by s. 53.46 (1), plus any  
3 applicable fees prescribed in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1)~~  
4 ch. 814, not to exceed the amount of the deposit which the court may accept as  
5 provided in s. 345.37; or

6 ••87b2697/1••SECTION 443j. 345.26 (2) (b) of the statutes, as affected by  
7 1987 Wisconsin Act 27, is amended to read:

8 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall  
9 include court costs, including any applicable fees prescribed in ~~ss. 814.63~~  
10 ~~(1) and (2), 814.635 and 814.65 (1)~~ ch. 814, any applicable penalty assessment  
11 and any applicable jail assessment.

12 ••87b2697/1••SECTION 443k. 345.27 (1) of the statutes, as affected by  
13 1987 Wisconsin Act 27, is amended to read:

14 345.27 (1) If a person is issued a citation for a violation of a traffic  
15 regulation, the person may make a stipulation of no contest and deposit in  
16 accordance with the schedule established under s. 345.26 (2) (a) at the office  
17 of the clerk of court, sheriff, or city, village or town police department or  
18 a precinct station, headquarters of the county traffic patrol, district head-  
19 quarters or station of the state traffic patrol, or the office of the municip-  
20 al judge in the county in which the citation was issued as designated by the  
21 arresting officer or the person may mail the stipulation and deposit to the  
22 place designated by the arresting officer. The deposit shall include the  
23 penalty assessment imposed by s. 165.87, the jail assessment imposed by s.  
24 53.46 (1) and court costs, including any applicable fees prescribed in ~~ss.~~  
25 ~~814.63 (1) and (2), 814.635 and 814.65 (1)~~ ch. 814. The stipulation shall be  
26 received within 10 days of the date of the alleged violation. The person who  
27 has mailed or filed a stipulation under this subsection may, however, appear  
28 in court on the court appearance date. If a person appears in court after



1 making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted  
2 for violations of ss. 346.62 (1) and 346.63 (1) or a local ordinance which is  
3 in conformity therewith.

4 ••87b3674/1••SECTION 443kg. 345.27 (1) of the statutes, as affected by  
5 1987 Wisconsin Acts 27 and .... (this act), is repealed and recreated to read:  
6 345.27 (1) If a person is issued a citation for a violation of a traffic  
7 regulation, the person may make a stipulation of no contest and deposit in  
8 accordance with the schedule established under s. 345.26 (2) (a) at the office  
9 of the clerk of court, sheriff, or city, village or town police department or  
10 a precinct station, headquarters of the county traffic patrol, district head-  
11 quarters or station of the state traffic patrol, or the office of the municipi-  
12 pal judge in the county in which the citation was issued as designated by the  
13 arresting officer or the person may mail the stipulation and deposit to the  
14 place designated by the arresting officer. The deposit shall include the  
15 penalty assessment imposed by s. 165.87, the jail assessment imposed by s.  
16 53.46 (1) and court costs, including any applicable fees prescribed in ch.  
17 814. The stipulation shall be received within 10 days of the date of the  
18 alleged violation. The person who has mailed or filed a stipulation under  
19 this subsection may, however, appear in court on the court appearance date.  
20 If a person appears in court after making a stipulation, s. 345.37 (3)  
21 applies. Stipulations are not permitted for violations of ss. 346.62 (2) and  
22 346.63 (1) or a local ordinance which is in conformity therewith.

23 ••87b2697/1••SECTION 443L. 345.37 (2) of the statutes, as affected by  
24 1987 Wisconsin Act 27, is amended to read:  
25 345.37 (2) If the defendant has made a deposit under s. 345.26, the  
26 citation may serve as the initial pleading and the defendant shall be deemed  
27 to have tendered a plea of no contest and submitted to a forfeiture and a  
28 penalty assessment, if required by s. 165.87, and a jail assessment, if

1 required by s. 53.46 (1), plus costs, including any applicable fees prescribed  
2 in ~~ss. 814.63 (1) and (2), 814.635 and 814.65 (1)~~ ch. 814, not exceeding the  
3 amount of the deposit. The court may either accept the plea of no contest and  
4 enter judgment accordingly, or reject the plea and issue a summons under ch.  
5 968. If the defendant fails to appear in response to the summons, the court  
6 shall issue a warrant under ch. 968. If the court accepts the plea of no  
7 contest, the defendant may move within 6 months after the date set for the  
8 appearance to withdraw the plea of no contest, open the judgment and enter a  
9 plea of not guilty upon a showing to the satisfaction of the court that the  
10 failure to appear was due to mistake, inadvertence, surprise or excusable  
11 neglect. If on reopening, the defendant is found not guilty the court shall  
12 immediately notify the department to delete the record of conviction based on  
13 the original proceeding and shall order the defendant's deposit returned.

14 ••87b3674/1••SECTION 443Lgg. 346.62 of the statutes is repealed and re-  
15 created to read:

16 346.62 RECKLESS DRIVING. (1) In this section:

17 (a) "Bodily harm" has the meaning designated in s. 939.22 (4).

18 (b) "Great bodily harm" has the meaning designated in s. 939.22 (14).

19 (c) "Negligent" has the meaning designated in s. 939.25 (2).

20 (d) "Vehicle" has the meaning designated in s. 939.22 (44).

21 (2) No person may endanger the safety of any person or property by the  
22 negligent operation of a vehicle.

23 (3) No person may cause bodily harm to another by the negligent operation  
24 of a vehicle.

25 (4) No person may cause great bodily harm to another by the negligent  
26 operation of a vehicle.

27 ••87b3674/1••SECTION 443Lgm. 346.65 (1) of the statutes is amended to  
28 read:

1        346.65 (1) Any person violating s. 346.62 ~~(1)~~ (2) may be required to  
2        forfeit not less than \$25 nor more than \$200 for the first offense and, for  
3        the 2nd or subsequent violation of s. 346.62 ~~(1)~~ (2) within 4 years may be  
4        fined not less than \$50 nor more than \$500 or imprisoned not more than one  
5        year in county jail or both.

6        ••87b3674/1••SECTION 443Lgp. 346.65 (3) of the statutes is amended to  
7        read:

8        346.65 (3) Any person violating s. 346.62 ~~(2)~~ (3) or 346.63 (2) shall be  
9        fined not less than \$300 nor more than \$2,000 and may be imprisoned not less  
10       than 30 days nor more than one year in the county jail.

11       ••87b3674/1••SECTION 443Lgr. 346.65 (5) of the statutes is created to  
12       read:

13       346.65 (5) Any person violating s. 346.62 (4) shall be fined not less  
14       than \$600 nor more than \$2,000 and may be imprisoned for not less than 90 days  
15       nor more than 18 months.

16       ••87b2656/1••SECTION 443m. 346.655 (1) of the statutes, as affected by  
17       1987 Wisconsin Acts 3 and 27, is amended to read:

18       346.655 (1) On or after ~~October 1, 1985~~ July 1, 1988, if a court imposes  
19       a fine or a forfeiture for a violation of s. 346.63 (1), or a local ordinance  
20       in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the  
21       offense involved the use of a vehicle, it shall impose a driver improvement  
22       surcharge in an amount of ~~\$200~~ \$250 in addition to the fine or forfeiture,  
23       penalty assessment and jail assessment.

24       ••87b3435/1••SECTION 443mbm. 346.73 (2) of the statutes is renumbered  
25       346.73 and amended to read:

26       346.73 ACCIDENT REPORTS NOT TO BE USED IN TRIAL. Notwithstanding s.  
27       346.70 (4) (f), written accident reports required to be filed with the  
28       department or with a county or municipal authority shall not be used as evi-

1 dence in any judicial trial, civil or criminal, arising out of an accident,  
2 except that such reports may be used as evidence in a trial for a violation of  
3 s. 344.10 and in any administrative proceeding conducted by the department.  
4 The department shall furnish upon demand of any person who has or claims to  
5 have made such a report, or upon demand of any court, a certificate showing  
6 that a specified accident report has or has not been made to the department  
7 solely to prove a compliance or a failure to comply with the requirement that  
8 such a report be made to the department.

9 ••87b3739/2••SECTION 443n. 347.48 (2m) (dm) of the statutes, as created  
10 by 1987 Wisconsin Act 132, is amended to read:

11 347.48 (2m) (dm) Paragraphs (b) ~~and~~, (c) and (d) do not apply to the  
12 operation of an authorized emergency vehicle by a law enforcement officer or  
13 other authorized operator under circumstances in which compliance could  
14 endanger the safety of the operator or another.

15 ••87b3739/2••SECTION 443o. 347.48 (2m) (dr) of the statutes, as created  
16 by 1987 Wisconsin Act 132, is amended to read:

17 347.48 (2m) (dr) Paragraph (b) does not apply to the operator of a vehi-  
18 cle while on a route which requires the operator to make more than 10 stops  
19 per mile involving an exit from the vehicle in the scope of his or her  
20 employment. ~~Paragraph (d) does~~ Paragraphs (c) and (d) do not apply to a  
21 passenger while on a route which requires the passenger to make more than 10  
22 stops per mile involving an exit from the vehicle in the scope of his or her  
23 employment.

24 ••87b3739/2••SECTION 443p. 347.48 (2m) (gm) of the statutes, as created  
25 by 1987 Wisconsin Act 132, is amended to read:

26 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may  
27 not stop or inspect a vehicle solely to determine compliance with this sub-  
28 section or sub. (1) or (2). This paragraph does not limit the authority of a

1 law enforcement officer to issue a citation for a violation of this subsection  
2 or sub. (1) or (2) observed in the course of a stop or inspection made for  
3 other purposes, except that a law enforcement officer may not take a person  
4 into physical custody solely for a violation of this subsection or sub. (1) or  
5 (2).

6 ••87b3739/2••SECTION 443pc. 347.48 (2m) (h) of the statutes, as created  
7 by 1987 Wisconsin Act 132, is amended to read:

8 347.48 (2m) (h) This subsection does not apply after ~~June 30~~ February 1,  
9 1989; or the first day of the first month commencing after the secretary of  
10 transportation certifies to the governor and the revisor of statutes that  
11 state mandatory safety belt usage laws meeting the criteria under 49 CFR  
12 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987  
13 Wisconsin Act 132, be applicable to not less than two-thirds of the population  
14 of the United States, based on the 1980 federal census of population; which-  
15 ever is earlier.

16 ••87b3739/2••SECTION 443pe. 347.48 (3) of the statutes, as affected by  
17 1987 Wisconsin Act 132, is amended to read:

18 347.48 (3) MANDATORY USE BY RULE; PROHIBITED. Except as provided under  
19 sub. (4) (a) 2, the department may not, by rule, require directly or indi-  
20 rectly the wearing of safety belts or shoulder harnesses. This subsection  
21 applies after ~~June 30~~ February 1, 1989; or the first day of the first month  
22 commencing after the secretary of transportation certifies to the governor and  
23 the revisor of statutes that state mandatory safety belt usage laws meeting  
24 the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with  
25 the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-  
26 thirds of the population of the United States, based on the 1980 federal  
27 census of population; whichever is earlier.

1       ••87b3739/2••SECTION 443pk. 347.50 (1) of the statutes, as affected by  
2 1987 Wisconsin Act 132, is amended to read:

3       347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.415  
4 (1), (2) and (3) to (5) or s. 347.48 (2m) or (4) (a) or s. 347.489, may be  
5 required to forfeit not less than \$10 nor more than \$200. This subsection  
6 does not apply after ~~June 30~~ February 1, 1989; or the first day of the first  
7 month commencing after the secretary of transportation certifies to the  
8 governor and the revisor of statutes that state mandatory safety belt usage  
9 laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which  
10 would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less  
11 than two-thirds of the population of the United States, based on the 1980  
12 federal census of population; whichever is earlier.

13       ••87b3739/2••SECTION 443pm. 347.50 (1m) and (2m) (c) of the statutes, as  
14 created by 1987 Wisconsin Act 132, are amended to read:

15       347.50 (1m) Any person violating ss. 347.35 to 347.49, except s. 347.415  
16 (1), (2) and (3) to (5) or s. 347.48 (4) (a) or s. 347.489, may be required to  
17 forfeit not less than \$10 nor more than \$200. This subsection applies after  
18 ~~June 30~~ February 1, 1989; or the first day of the first month commencing after  
19 the secretary of transportation certifies to the governor and the revisor of  
20 statutes that state mandatory safety belt usage laws meeting the criteria  
21 under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion  
22 of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the  
23 population of the United States, based on the 1980 federal census of  
24 population; whichever is earlier.

25       (2m) (c) This subsection does not apply after ~~June 30~~ February 1, 1989;  
26 or the first day of the first month commencing after the secretary of trans-  
27 portation certifies to the governor and the revisor of statutes that state  
28 mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208

1 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act  
2 132, be applicable to not less than two-thirds of the population of the United  
3 States, based on the 1980 federal census of population; whichever is earlier.

4 ••87b2738/1••SECTION 443q. 349.02 of the statutes, as affected by 1987  
5 Wisconsin Act 34, is amended to read:

6 349.02 POLICE AND TRAFFIC OFFICERS TO ENFORCE LAW. It is the duty of the  
7 police, sheriff's and traffic departments of every unit of government and each  
8 authorized department of the state to enforce chs. 346 to 348 and 350. A  
9 ~~police officer, sheriff or deputy sheriff who is employed by a unit of~~  
10 ~~government whose boundary is a highway shall enforce chs. 346 to 348 and 350~~  
11 ~~on the entire width of such a highway and on the entire intersection of such a~~  
12 ~~highway and a highway located in an adjacent jurisdiction.~~ Police officers,  
13 sheriffs, deputy sheriffs and traffic officers are authorized to direct all  
14 traffic within their respective jurisdictions either in person or by means of  
15 visual or audible signal in accordance with chs. 346 to 348 and 350. In the  
16 event of fire or other emergency, police officers, sheriffs, deputy sheriffs  
17 and traffic officers and officers of the fire department may direct traffic as  
18 conditions may require notwithstanding the provisions of chs. 346 to 348 and  
19 350.

20 ••87b3501/1••SECTION 443qc. 350.01 (1i) of the statutes is created to  
21 read:

22 350.01 (1i) "Approved public treatment facility" has the meaning speci-  
23 fied under s. 51.45 (2) (c).

24 ••87b3501/1••SECTION 443qe. 350.01 (9) to (9w) of the statutes are  
25 created to read:

26 350.01 (9) "Intoxicant" means any alcohol beverage, controlled substance  
27 or other drug or any combination thereof.

1 (9c) "Intoxicated snowmobiling law" means s. 350.101 (1) or a local  
2 ordinance in conformity therewith, s. 350.101 (2) or, if the operation of a  
3 snowmobile is involved, s. 940.09 or 940.25.

4 (9g) "Law enforcement officer" has the meaning specified under s. 165.85  
5 (2) (c) and includes a person appointed as a conservation warden by the  
6 department under s. 23.10 (1).

7 (9r) "Operation of a snowmobile" means controlling the speed or direction  
8 of a snowmobile.

9 (9w) "Operator" means a person who is engaged in the operation of a  
10 snowmobile, who is responsible for the operation of a snowmobile or who is  
11 supervising the operation of a snowmobile.

12 ••87b3501/1••SECTION 443qf. 350.01 (10g) and (10r) of the statutes are  
13 created to read:

14 350.01 (10g) "Purpose of authorized analysis" means for the purpose of  
15 determining or obtaining evidence of the presence, quantity or concentration  
16 of any intoxicant in a person's blood, breath or urine.

17 (10r) "Refusal law" means s. 350.104 (5) or a local ordinance in  
18 conformity therewith.

19 ••87b3501/1••SECTION 443qh. 350.01 (21) of the statutes is created to  
20 read:

21 350.01 (21) "Test facility" means a test facility or agency prepared to  
22 administer tests under s. 343.305 (1).

23 ••87b3501/1••SECTION 443qk. 350.055 of the statutes, as affected by 1987  
24 Wisconsin Act 27, is amended to read:

25 350.055 SAFETY CERTIFICATION PROGRAM ESTABLISHED. The department shall  
26 establish a program of instruction on snowmobile laws, including the intoxi-  
27 cated snowmobiling law, regulations, safety and related subjects. The program  
28 shall be conducted by instructors certified by the department. The department



1 may procure liability insurance coverage for certified instructors for work  
2 within the scope of their duties under this section. Persons satisfactorily  
3 completing this program shall receive certification from the department. The  
4 department may charge each person who enrolls in the course an instruction fee  
5 of \$5. The department shall authorize instructors conducting such courses  
6 meeting standards established by it to retain \$1 of the fee to defray expenses  
7 incurred locally to operate the program. The remaining \$4 of the fee shall be  
8 retained by the department to defray a part of its expenses incurred to oper-  
9 ate the safety and accident reporting program. A person over the age of 12  
10 years but under the age of 16 years who holds a valid certificate issued by  
11 another state or province of the Dominion of Canada need not obtain a certif-  
12 icate from the department if the course content of the program in such other  
13 state or province substantially meets that established by the department under  
14 this section.

15 ••87b3501/1••SECTION 443qL. 350.08 of the statutes is amended to read:

16 350.08 OWNER PERMITTING OPERATION. No owner or other person having  
17 charge or control of a snowmobile may knowingly authorize or permit any person  
18 to operate the snowmobile if the person is prohibited from operating a snow-  
19 mobile under s. 350.05, if the person is incapable of operating a snowmobile  
20 because of physical or mental disability or if the person is under the influ-  
21 ence of ~~alcohol beverages or controlled substances or a combination thereof,~~  
22 ~~under the influence of any other drug to a degree which renders him or her~~  
23 ~~incapable of safely operating a snowmobile, or under the combined influence of~~  
24 ~~alcohol beverages and any other drug to a degree which renders him or her~~  
25 ~~incapable of safely operating a snowmobile~~ an intoxicant.

26 ••87b3501/1••SECTION 443qm. 350.10 (3) of the statutes is repealed.

27 ••87b3501/1••SECTION 443qp. 350.101 to 350.108 of the statutes are  
28 created to read:

1       350.101 INTOXICATED SNOWMOBILING. (1) OPERATION. (a) Operating while  
2 under the influence of an intoxicant. No person may engage in the operation  
3 of a snowmobile while under the influence of an intoxicant to a degree which  
4 renders him or her incapable of safe snowmobile operation.

5       (b) Operating with alcohol concentrations at or above specified levels.  
6 No person may engage in the operation of a snowmobile while the person has a  
7 blood alcohol concentration of 0.1% or more by weight of alcohol in his or her  
8 blood. No person may engage in the operation of a snowmobile while the person  
9 has 0.1 grams or more of alcohol in 210 liters of his or her breath.

10       (c) Operating with alcohol concentrations at specified levels; below age  
11 19. If a person has not attained the age of 19, the person may not engage in  
12 the operation of a snowmobile while he or she has a blood alcohol concen-  
13 tration of more than 0.0% but not more than 0.1% by weight of alcohol in his  
14 or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol in  
15 210 liters of his or her breath.

16       (d) Related charges. A person may be charged with and a prosecutor may  
17 proceed upon a complaint based upon a violation of par. (a) or (b) or both for  
18 acts arising out of the same incident or occurrence. If the person is charged  
19 with violating both pars. (a) and (b), the offenses shall be joined. If the  
20 person is found guilty of both pars. (a) and (b) for acts arising out of the  
21 same incident or occurrence, there shall be a single conviction for purposes  
22 of sentencing and for purposes of counting convictions under s. 350.11 (3) (a)  
23 2 and 3. Paragraphs (a) and (b) each require proof of a fact for conviction  
24 which the other does not require.

25       (2) CAUSING INJURY. (a) Causing injury while under the influence of an  
26 intoxicant. No person while under the influence of an intoxicant to a degree  
27 which renders him or her incapable of safe snowmobile operation may cause  
28 injury to another person by the operation of a snowmobile.

1       (b) Causing injury with alcohol concentrations at or above specified  
2 levels. No person who has a blood alcohol concentration of 0.1% or more by  
3 weight of alcohol in his or her blood may cause injury to another person by  
4 the operation of a snowmobile. No person who has 0.1 grams or more of alcohol  
5 in 210 liters of his or her breath may cause injury to another person by the  
6 operation of a snowmobile.

7       (c) Related charges. A person may be charged with and a prosecutor may  
8 proceed upon a complaint based upon a violation of par. (a) or (b) or both for  
9 acts arising out of the same incident or occurrence. If the person is charged  
10 with violating both pars. (a) and (b) in the complaint, the crimes shall be  
11 joined under s. 971.12. If the person is found guilty of both pars. (a) and  
12 (b) for acts arising out of the same incident or occurrence, there shall be a  
13 single conviction for purposes of sentencing and for purposes of counting  
14 convictions under s. 350.11 (3) (a) 2 and 3. Paragraphs (a) and (b) each  
15 require proof of a fact for conviction which the other does not require.

16       (d) Defenses. In an action under par. (a), the defendant has a defense  
17 if it appears by a preponderance of the evidence that the injury would have  
18 occurred even if the defendant was not under the influence of an intoxicant.  
19 In an action under par. (b), the defendant has a defense if it appears by a  
20 preponderance of the evidence that the injury would have occurred even if the  
21 defendant did not have a blood alcohol concentration of 0.1% or more by weight  
22 of alcohol in his or her blood. In an action under par. (b), the defendant  
23 has a defense if it appears by a preponderance of the evidence that the injury  
24 would have occurred even if he or she did not have 0.1 grams or more of alco-  
25 hol in 210 liters of his or her breath.

26       350.102 PRELIMINARY BREATH SCREENING TEST. (1) REQUIREMENT. A person  
27 shall provide a sample of his or her breath for a preliminary breath screening  
28 test if a law enforcement officer has probable cause to believe that the

1 person is violating or has violated the intoxicated snowmobiling law and if,  
2 prior to an arrest, the law enforcement officer requested the person to pro-  
3 vide this sample.

4 (2) USE OF TEST RESULTS. A law enforcement officer may use the results  
5 of a preliminary breath screening test for the purpose of deciding whether or  
6 not to arrest a person for a violation of the intoxicated snowmobiling law or  
7 for the purpose of deciding whether or not to request a chemical test under s.  
8 350.104. Following the preliminary breath screening test, chemical tests may  
9 be required of the person under s. 350.104.

10 (3) ADMISSIBILITY. The result of a preliminary breath screening test is  
11 not admissible in any action or proceeding except to show probable cause for  
12 an arrest, if the arrest is challenged, or to show that a chemical test was  
13 properly required of a person under s. 350.104.

14 (4) REFUSAL. There is no penalty for a violation of sub. (1). Section  
15 350.11 (1) and the general penalty provision under s. 939.61 do not apply to  
16 that violation.

17 350.1025 APPLICATION OF INTOXICATED SNOWMOBILING LAW. In addition to  
18 being applicable upon highways, the intoxicated snowmobiling law is applicable  
19 upon all premises held out to the public for use of their snowmobiles, whether  
20 such premises are publicly or privately owned and whether or not a fee is  
21 charged for the use thereof.

22 350.103 IMPLIED CONSENT. Any person who engages in the operation of a  
23 snowmobile upon the public highways of this state, or in those areas enumer-  
24 ated in s. 350.1025, is deemed to have given consent to provide one or more  
25 samples of his or her breath, blood or urine for the purpose of authorized  
26 analysis as required under s. 350.104. Any person who engages in the oper-  
27 ation of a snowmobile within this state is deemed to have given consent to

1 submit to one or more chemical tests of his or her breath, blood or urine for  
2 the purpose of authorized analysis as required under s. 350.104.

3 350.104 CHEMICAL TESTS. (1) REQUIREMENT. (a) Samples; submission to  
4 tests. A person shall provide one or more samples of his or her breath, blood  
5 or urine for the purpose of authorized analysis if he or she is arrested for a  
6 violation of the intoxicated snowmobiling law and if he or she is requested to  
7 provide the sample by a law enforcement officer. A person shall submit to one  
8 or more chemical tests of his or her breath, blood or urine for the purpose of  
9 authorized analysis if he or she is arrested for a violation of the intoxi-  
10 cated snowmobiling law and if he or she is requested to submit to the test by  
11 a law enforcement officer.

12 (b) Information. A law enforcement officer requesting a person to pro-  
13 vide a sample or to submit to a chemical test under par. (a) shall inform the  
14 person of all of the following at the time of the request and prior to  
15 obtaining the sample or administering the test:

16 1. That he or she is deemed to have consented to tests under s. 350.103.

17 2. That a refusal to provide a sample or to submit to a chemical test  
18 constitutes a violation under sub. (5) and is subject to the same penalties  
19 and procedures as a violation of s. 350.101 (1) (a).

20 3. That in addition to the designated chemical test under sub. (2) (b),  
21 he or she may have an additional chemical test under sub. (3) (a).

22 (c) Unconscious person. A person who is unconscious or otherwise not  
23 capable of withdrawing consent is presumed not to have withdrawn consent under  
24 this subsection, and if a law enforcement officer has probable cause to  
25 believe that the person violated the intoxicated snowmobiling law, one or more  
26 chemical tests may be administered to the person without a request under par.  
27 (a) and without providing information under par. (b).

1       (2)   CHEMICAL TESTS.   (a)   Test facility.   Upon the request of a law  
2 enforcement officer, a test facility shall administer a chemical test of  
3 breath, blood or urine for the purpose of authorized analysis. A test facil-  
4 ity shall be prepared to administer 2 of the 3 chemical tests of breath, blood  
5 or urine for the purpose of authorized analysis. The department may enter  
6 into agreements for the cooperative use of test facilities.

7       (b)   Designated chemical test.   A test facility shall designate one chem-  
8 ical test of breath, blood or urine which it is prepared to administer first  
9 for the purpose of authorized analysis.

10      (c)   Additional chemical test.   A test facility shall specify one chemical  
11 test of breath, blood or urine, other than the test designated under par. (b),  
12 which it is prepared to administer for the purpose of authorized analysis as  
13 an additional chemical test.

14      (d)   Validity; procedure.   A chemical test of blood or urine conducted for  
15 the purpose of authorized analysis is valid as provided under s. 343.305 (10).  
16 The duties and responsibilities of the laboratory of hygiene, department of  
17 health and social services and department of transportation under s. 343.305  
18 (10) apply to a chemical test of blood or urine conducted for the purpose of  
19 authorized analysis under this section. Blood may be withdrawn from a person  
20 arrested for a violation of the intoxicated snowmobiling law only by a  
21 physician, registered nurse, medical technologist, physician's assistant or  
22 person acting under the direction of a physician and the person who withdraws  
23 the blood, the employer of that person and any hospital where blood is with-  
24 drawn have immunity from civil or criminal liability as provided under s.  
25 895.53.

26      (e)   Report.   A test facility which administers a chemical test of breath,  
27 blood or urine for the purpose of authorized analysis under this section shall  
28 prepare a written report which shall include the findings of the chemical

1 test, the identification of the law enforcement officer or the person who re-  
2 quested a chemical test and the identification of the person who provided the  
3 sample or submitted to the chemical test. The test facility shall transmit a  
4 copy of the report to the law enforcement officer and the person who provided  
5 the sample or submitted to the chemical test.

6 (3) ADDITIONAL AND OPTIONAL CHEMICAL TESTS. (a) Additional chemical  
7 test. If a person is arrested for a violation of the intoxicated snowmobiling  
8 law or is the operator of a snowmobile involved in an accident resulting in  
9 great bodily harm to or the death of someone and if the person is requested to  
10 provide a sample or to submit to a test under sub. (1) (a), the person may  
11 request the test facility to administer the additional chemical test specified  
12 under sub. (2) (c) or, at his or her own expense, reasonable opportunity to  
13 have any qualified person administer a chemical test of his or her breath,  
14 blood or urine for the purpose of authorized analysis.

15 (b) Optional test. If a person is arrested for a violation of the  
16 intoxicated snowmobiling law and if the person is not requested to provide a  
17 sample or to submit to a test under sub. (1) (a), the person may request the  
18 test facility to administer a chemical test of his or her breath or, at his or  
19 her own expense, reasonable opportunity to have any qualified person adminis-  
20 ter a chemical test of his or her breath, blood or urine for the purpose of  
21 authorized analysis. If a test facility is unable to perform a chemical test  
22 of breath, the person may request the test facility to administer the desig-  
23 nated chemical test under sub. (2) (b) or the additional chemical test under  
24 sub. (2) (c).

25 (c) Compliance with request. A test facility shall comply with a request  
26 under this subsection to administer any chemical test it is able to perform.

27 (d) Inability to obtain chemical test. The failure or inability of a  
28 person to obtain a chemical test at his or her own expense does not preclude

1 the admission of evidence of the results of a chemical test required and  
2 administered under subs. (1) and (2).

3 (4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results  
4 of a chemical test required or administered under sub. (1), (2) or (3) are  
5 admissible in any civil or criminal action or proceeding arising out of the  
6 acts committed by a person alleged to have violated the intoxicated  
7 snowmobiling law on the issue of whether the person was under the influence of  
8 an intoxicant or the issue of whether the person had alcohol concentrations at  
9 or above specified levels. Results of these chemical tests shall be given the  
10 effect required under s. 885.235. This section does not limit the right of a  
11 law enforcement officer to obtain evidence by any other lawful means.

12 (5) REFUSAL. No person may refuse a lawful request to provide one or  
13 more samples of his or her breath, blood or urine or to submit to one or more  
14 chemical tests under sub. (1). A person shall not be deemed to refuse to  
15 provide a sample or to submit to a chemical test if it is shown by a pre-  
16 ponderance of the evidence that the refusal was due to a physical inability to  
17 provide the sample or to submit to the test due to a physical disability or  
18 disease unrelated to the use of an intoxicant. Issues in any action concern-  
19 ing violation of sub. (1) or this subsection are limited to:

20 (a) Whether the law enforcement officer had probable cause to believe the  
21 person was violating or had violated the intoxicated snowmobiling law.

22 (b) Whether the person was lawfully placed under arrest for violating the  
23 intoxicated snowmobiling law.

24 (c) Whether the law enforcement officer requested the person to provide a  
25 sample or to submit to a chemical test and provided the information required  
26 under sub. (1) (b) or whether the request and information was unnecessary  
27 under sub. (1) (c).



1 (d) Whether the person refused to provide a sample or to submit to a  
2 chemical test.

3 350.106 REPORT ARREST TO DEPARTMENT. If a law enforcement officer  
4 arrests a person for a violation of the intoxicated snowmobiling law or the  
5 refusal law, the law enforcement officer shall notify the department of the  
6 arrest as soon as practicable.

7 350.107 OFFICER'S ACTION AFTER ARREST FOR OPERATING A SNOWMOBILE WHILE  
8 UNDER INFLUENCE OF INTOXICANT. A person arrested for a violation of s.  
9 350.101 (1) (a) or (b) or a local ordinance in conformity therewith or s.  
10 350.101 (2) (a) or (b) may not be released until 12 hours have elapsed from  
11 the time of his or her arrest or unless a chemical test administered under s.  
12 350.104 (1) (a) shows that there is 0.05% or less by weight of alcohol in the  
13 person's blood or 0.05 grams or less of alcohol in 210 liters of the person's  
14 breath, but the person may be released to his or her attorney, spouse, rela-  
15 tive or other responsible adult at any time after arrest.

16 350.108 PUBLIC EDUCATION PROGRAM. (1) The department shall promulgate  
17 rules to provide for a public education program to:

18 (a) Inform snowmobile operators of the prohibitions and penalties  
19 included in the intoxicated snowmobiling law. The snowmobile recreational  
20 council may assist the department in developing the public education program.

21 (b) Provide for the development of signs briefly explaining the intoxi-  
22 cated snowmobiling law.

23 (2) The department shall develop and issue an educational pamphlet on the  
24 intoxicated snowmobiling law to be distributed, beginning in 1989, to persons  
25 issued snowmobile registration certificates.

26 ••87b3501/1••SECTION 443qr. 350.11 of the statutes is renumbered 350.11  
27 (1) and amended to read:

1        350.11 (1) ~~Any~~ Except as provided in subs. (2) and (3), any person who  
2 violates any provision of this chapter ~~except ss. 350.07, 350.08 and 350.10~~  
3 ~~(3)~~ shall forfeit not more than \$250.

4        (2) Any person who violates s. 350.07, or 350.08 ~~or 350.10 (3)~~ shall  
5 forfeit not more than \$200.

6        ••87b3501/1••SECTION 443qs. 350.11 (3) of the statutes is created to  
7 read:

8        350.11 (3) (a) Penalties related to prohibited operation of a snowmobile;  
9 intoxicants; refusal. 1. Except as provided under subds. 2 and 3, a person  
10 who violates s. 350.101 (1) (a) or (b) or s. 350.104 (5) shall forfeit not  
11 less than \$150 nor more than \$300.

12        2. Except as provided under subd. 3, a person who violates s. 350.101 (1)  
13 (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the  
14 current violation, was convicted previously under the intoxicated snowmobiling  
15 law or the refusal law shall be fined not less than \$300 nor more than \$1,000  
16 and shall be imprisoned not less than 5 days nor more than 6 months.

17        3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and  
18 who, within 5 years prior to the arrest for the current violation, was con-  
19 victed 2 or more times previously under the intoxicated snowmobiling law or  
20 refusal law shall be fined not less than \$600 nor more than \$2,000 and shall  
21 be imprisoned not less than 30 days nor more than one year in the county jail.

22        4. A person who violates s. 350.101 (1) (c) or 350.104 (5) and who has  
23 not attained the age of 19 shall forfeit not more than \$50.

24        (b) Penalties related to causing injury; intoxicants. A person who vio-  
25 lates s. 350.101 (2) shall be fined not less than \$300 nor more than \$2,000  
26 and may be imprisoned not less than 30 days nor more than one year in the  
27 county jail.